

Charter of the Adaptive Management Program Committee

Version adopted _____, 2023

Notes: 1. This draft incorporates all the feedback from AMPC members.
2. **[bold, underlined, italicized text in brackets]** indicates either differences of opinion from AMPC members or questions to consider.

I. Introduction

The Adaptive Management Program Committee (AMPC) is an advisory committee of the Oregon Department of Forestry (ODF) established by Chapter 33, Oregon Laws 2022, Section 36. Rules regarding the Adaptive Management Program of the Board of Forestry (Board) and the AMPC are also set out in Oregon Administrative Rules (OAR) 629-603-0000 through 629-603-0600. The AMPC is described in OAR 629-603-0300. This charter is adopted as required by OAR 629-603-0200(2).

II. Purpose of the Adaptive Management Program Committee (AMPC)

The members of the AMPC are committed to sustainable forest practices and the protection of species in the habitat conservation plan (HCP) through the achievement of biological goals and objectives as set by the department for an approved HCP. The AMPC will achieve this commitment by supporting the purposes of the Adaptive Management Program¹:

- (a) Ensure timely and effective change as needed to meet biological goals and objectives.
- (b) Provide predictability and stability of the process of changing regulation so landowners, regulators, and interested members of the public can understand and anticipate change.
- (c) Apply best available science to decision-making.
- (d) Effectively meet biological goals and objectives with less operationally expensive prescriptions when feasible.

III. AMPC ~~functioning~~ Operations

The efficacy of the committee depends on excellent working relationships. Therefore, the AMPC will conduct their business collaboratively, with mutual respect, and with shared responsibility for desired outcomes.

The AMPC will ~~follow~~guide the adaptive management process and shall strive for full consensus in committee decision-making. ~~The AMPC will use~~ Robert's Rules of Order ~~-reiterate requirements that AMPC will follow~~ for meeting procedures around decision making and to allow the co-chairs to run meetings effectively. AMPC meetings and communications will comply with Oregon public records and open public meetings laws ~~(and cite them)? (Note: ODF will not produce minutes of meetings since they are recorded, but may provide committee members summaries of certain business items.)²~~

An ODF staff person shall serve as Secretary to the AMPC; and send an agenda for each upcoming meeting to AMPC members at least 7 days prior to each meeting. The agenda will include all items scheduled to be voted on at the upcoming meeting. In addition, any two AMPC members may add an agenda item, provided that such request must be made 15 days before the upcoming meeting. The AMPC secretary will use ~~itstheir~~ best efforts to provide notice of upcoming votes sufficient for AMPC members to confer with related organizations and

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Commented [SJ*D2]: We may need some basic training or cheatsheets on Robert's Rules.

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Commented [SJ*D3]: Include role for co-chairs in crafting agenda?

Commented [WG4]: Limit to substantial decisions? Or to all substantial decisions, plus significant decisions of which the secretary is aware in advance and believes in the secretary's discretion to warrant notice.

¹ OAR 629-603-0000(5)

² ORS 192.001 to 192.990

~~stakeholders interested parties~~ prior to the AMPC meeting at which the vote is to be taken. ~~Within 72 hours after an AMPC meeting, the AMPC secretary will document results of AMPC votes for the record, email this to AMPC members, then post on the AMPC website.~~

Quorum for holding an AMPC meeting shall be six voting members of AMPC³. For the purpose of voting on substantial decisions, ~~there~~quorum shall be ~~at least~~ seven voting AMPC members present. ~~[Quorum is likely to be a smaller issue given members can send an interim member if they can't make it per OAR 629-603-0300(5), and they may attend virtually too. For substantial decisions, do you want to have more than 7 voting members present to both respect the goal of consensus, and for a more robust conversation?]~~

Commented [SD5]: ODF note: *[Quorum is likely to be a smaller issue given members can send an interim member if they can't make it per OAR 629-603-0300(5), and they may attend virtually too. For substantial decisions, do you want to have more than 7 voting members present to both respect the goal of consensus, and for a more robust conversation?]*

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AMPC communications with the Board regarding reports, research questions, policy recommendations, and other non-administrative matters will be made by the co-chairs or by other AMPC members as determined by the AMPC, subject to the provision on presentation of minority positions.

AMPC reports and recommendations sent to the Board of Forestry are to include:

- A. A majority position adopted by the AMPC; and,
- B. Minority positions from the AMPC membership, if any were formed- ~~and holders of that position request that such position be brought to the board.~~ If a minority position is brought to the Board, an AMPC member holding such position shall present the position to the Board when the majority position is presented by the co-chairs.

In discussing the business of the AMPC in public forums and in any statements to the media, members will avoid commenting on AMPC deliberations and actions except for a statement of the member's role with the AMPC and will refer questions to ~~[the co-chairs and] ODF staff.~~ ODF staff. ~~[AMPC members are free to publicly discuss the subjects that may come before the AMPC, but they must explicitly indicate they are not speaking as an AMPC member.]~~ The co-chairs may, following discussion with ODF staff, provide factual information about the AMPC and its work- ~~in public and media settings~~ but will not exceed statements of established fact- ~~particularly~~ regarding AMPC votes. On occasion, the AMPC may agree on broader statements to be made by AMPC co-chairs or designated members, or ODF staff, to the public or media. This process maintains both respect and good working relationships on the AMPC- and public trust in the process.

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~~[Do you want to add anything re: commitments to prepare for and attend meetings?]~~

~~IV- All AMPC members are responsible to be prepared for and attend meetings, whether in person or virtually. If a member cannot attend, they should make every effort to secure a proxy from their organization or caucus. Preparation should include reviewing information related to an upcoming meeting, consulting with their organization/caucus and interested parties, acquiring and organizing any necessary contributions, and being informed on and prepared to discuss the agenda items.~~

IV. Consensus, and Voting, and Substantial Decisions

#

³ Voting members are specified in Section 36(3), Chapter 33, Oregon Laws 2022.

~~The AMPC is the intent of the AMPC to operate directed by statute to strive for full consensus. Consensus is attained when all of AMPC members reach agreement. For in committee decision making by the Consensus Continuum model described in the Private Forest Accord Report. Notwithstanding that intent, the AMPC shall make substantial decisions, consensus is determined by an AMPC a vote taken at an AMPC meeting with that requires at least seven voting affirmative votes to pass. When a decision is made without reaching consensus, all AMPC members present. [this number should match that discussed in quorum paragraph, above] are responsible to examine why consensus was not reached and work towards improvement.~~

Commented [FT*O6]: This addition ended before this sentence, so I guessed what the commenter might have been wanting

Voting:

Before voting on a motion [regardless of it being a substantial or non-substantial decision], the language of the associated motion shall be displayed in written format so that the entire committee can see the motion. This written format will also serve as the official record of the decision. There will be adequate time for discussion before voting, with the goal of achieving consensus.

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Substantial Decisions: The AMPC is authorized to determine what constitutes a “substantial decision⁴.” The following are substantial decisions:

1. Initial nominations to the IRST per section (37)(3), chapter 33, Oregon Laws 2022;
2. Initial research topics per OAR 629-603-0200(2)(a)];
3. Preliminary research questions per OAR 629-603-0200(3)(c);
4. Research agendas sent to the Board per OAR 629-603-0200(5)(c);
5. ~~Recommendations~~Approval of reports and recommendations to the Board per OAR 629-603-0200(8)(a);
6. Selection of co-chairperson(s);
7. ~~Changes~~Adoption of and changes to this AMPC charter per OAR 629-603-0300(2)(g)(C);
8. Approval of AMPC contribution to State Forester annual reports to the Board per OAR 629-603-0100(4).

The above list is not exclusive, such that if a committee member makes a motion for a vote and the motion includes that it should be a substantial decision, there shall be two voting steps:

- Step 1: Vote on whether or not it is a substantial decision, requiring seven affirmative votes to pass; and,
- Step 2: Vote according to the results of Step 1, with the process for non-substantial decisions outlined below.

Commented [WG7]: Note that the adoption of research agenda budget per 629-603-0130(3) is not a mandated substantial decision. Not a problem but still that seems a significant decision. Which relates to the secretary's notice of vote that will be required.

Commented [FT*O8R7]: FYI - 629-603-0130(3) is included in #4 via 629-603-0200(5)(a)(D)

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Commented [SJ*D9]: Alternatively, if a member makes a motion for a decision and it is seconded, the decision is by default a substantial decision.

Substantial decisions require at least 7 affirmative votes to pass⁵. 7 voting members will constitute the quorum required for a vote. ~~[this number should match that discussed in quorum paragraph, above]~~ [if a member makes a motion for a decision and it is seconded, the decision is by default a substantial decision.]

Results of substantial decisions will be maintained in a database of decisions available on the AMPC website, and communicated to AMPC members via email.

Commented [SD10]: From ODF: [this number should match that discussed in quorum paragraph, above]

An AMPC member may appoint a proxy to be present at a meeting for the purpose of casting the member's vote, consistent with the rules for interim members stated in OAR 629-603-

⁴ Section 36(8), Chapter 33, Oregon Laws 2022

⁵ Section 36(8), Chapter 33, Oregon Laws 2022

0300(5). ~~[How do you want to record outcome of decisions voted on – Database of decisions available on ODF’s website? Via email from ODF staff to AMPC members?]~~

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Non-Substantial Decisions:

If a motion is made for a non-substantial decision, it may pass by a majority vote of a quorum present.

~~[Non-substantial decisions by the AMPC are made via consensus by informal agreement and without a formal vote.]~~

Commented [WG11]: I deleted consensus because above you stated that it requires 100% vote for something.

Commented [SJ*D12]: I favor this interpretation. If it is important enough for a contested vote, it is substantial.

~~Before voting on a motion (regardless of it being a substantial or, A non-substantial administrative decision), the language of the associated motion shall be displayed in written format so that the entire committee can see the motion. This written format will also serve as the official record of the decision. There will be adequate time for discussion before voting, with the goal of achieving consensus.~~

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~~may be made without a motion and vote and without the requirement of a written motion, notwithstanding the following.~~

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V. Conflicts of Interest

A co-chair shall call for identification and discussion of conflicts of interest after the AMPC adopts an agenda or task. An actual pecuniary (financial) conflict of interest is presented by any action, decision, or recommendation that would be to the private (distinct from that of the general public) financial benefit or detriment of an AMPC member, a relative of an AMPC member, business or institution with which an AMPC member is associated.

Commented [SD13]: Ensure that this is consistent with public official requirements — adapted from IMST charter

Commented [FT*O14R13]: We have not had sufficient time to research the specifics of this.

A potential pecuniary conflict of interest is presented by any action, decision, or recommendation that could result in such a private financial benefit or detriment. A non-pecuniary conflict of interest is presented when a reasonable person would conclude that a non-pecuniary interest of an AMPC member conflicts with the service of the AMPC member by significantly impairing the AMPC member’s objectivity or by significantly compromising the AMPC member’s professional judgment.

V. Electing co-chairs

There shall be two co-chairs for the AMPC, elected as a substantial decision by the vote of the AMPC. The co-chairs shall have equal powers, alternate running of meetings, and serve staggered, two-year terms. One of the ~~first~~initial co-chairs shall serve a ~~three~~one year term to initiate the staggered terms. For the purpose of term duration, initial co-chairs shall be considered to have been elected in January, 2023. A co-chair’s term shall run from the first AMPC meeting of a given calendar year to the first AMPC meeting of the calendar year two years later (subject to above provisions on initial terms).

At the close of a co-chair’s term, the AMPC shall solicit persons willing to act as successor co-chairs from the membership. The AMPC shall encourage new persons to serve as co-chairs such that the co-chairs are balanced in their perspectives, and shall vote on candidates for the co-chair position. The intent is for co-chairs to not serve consecutive terms so that there are fresh perspectives and leadership, but the AMPC also wishes to remain flexible on that matter.

The duties of the co-chairs include:

- A. Develop meeting agendas and overall work plan, in collaboration with ODF staff;
- B. Run AMPC meetings;
- C. Participate in AMPC meetings and decisions as an AMPC member;
- D. Present AMPC information and recommendations to the Board, subject to provisions of this charter on presentation of minority positions; and,
- E. Other duties as they arise.

VI. Subcommittees

The AMPC may create subcommittees to act ~~separateseparately~~ from the AMPC as a whole and to bring work products and recommendations back to the AMPC. If the subcommittee's work is likely to span more than 3 AMPC meetings, each subcommittee shall:

- 1. Have a brief charter that states the purpose of the subcommittee, its work, initial members, and expected duration (perpetual or a specific term).
- 2. Give brief reports at the beginning of each AMPC meeting. If a committee has more to report than can be communicated in a few paragraphs, or if they need feedback from the AMPC, they should contact the AMPC chairpersons ahead of the meeting so that the topic can be placed on the agenda.

A subcommittee shall be set up in order to avoid an inadvertent quorum of the AMPC as a whole.

~~Each subcommittee shall be a public committee. [ODF staff are assessing the requirements on public meetings]~~ Where possible, representatives of industry, conservation organizations and agencies will serve on each subcommittee. Thus, each subcommittee should have at least three members.

VII. AMPC deadlines

The AMPC shall use its best efforts to perform its work so as to comply with the deadlines specified in the Statute and Rules. The AMPC has the following deadlines:

- A. Preliminary research questions: ~~August~~October 1 in 2023, and July 1 in succeeding years;
- B. Research agenda⁶: July 15 of odd-numbered years;
- C. Assist ODF with budget presentation⁷: September Board meeting of odd-numbered years;
- D. AMPC report to Board⁸: within 90 days of receipt of reports from IRST; and,
- E. AMPC work with ODF staff to present AMPC report for Board decision⁹: by the second regular Board meeting after presenting AMPC report to Board in VII.D.

In the event of any delay in achieving deadlines, the co-chairs shall communicate such delay to ODF staff and to the Board, as they deem appropriate.

VIII. Long-term effectiveness of the AMPC

The AMPC member terms may be renewed and new AMPC members appointed per OAR 629-603-0300(3). The AMPC recognizes that its long-term success depends on maintaining and strengthening relationships between AMPC members. A key part of this continuity is successful onboarding of new members. This onboarding will include:

- A. Introduction to current AMPC members and ODF staff serving the committee;
- B. Explanation of AMPC purpose and function;
- C. Review of this charter, ~~Statute~~statutes, and ~~Rules~~rules;

⁶ OAR 629-603-0200(5)(c)

⁷ OAR 629-603-0200(5)(d)

⁸ OAR 629-603-0200(8)(a)

⁹ OAR 629-603-0200(8)(b)

Commented [WG15]: The Mitigation Advisory Committee Procedures state: "Subcommittees must not reach a quorum and cannot vote or make final decisions for the MAC. Subcommittee meetings do not fall under Oregon's public meeting laws. However, they will be made public at the discretion of the Chair, and meeting outcomes will be provided at MAC meetings." https://www.dfw.state.or.us/habitat/PFA/meetings/2023/03_Mar/DR_AFT%20PFA%20MAC%20Operating%20Procedures.pdf

Commented [SJ*D16]: Odd numbered years or every year?

Commented [FT*O17R16]: Every year per OAR 629-603-0200(3)(c)

Commented [SJ*D18]: This is attendance at the Board meeting, correct? When would the preparatory work occur?

- D. Summary of AMPC decisions and history; and,
- E. Other measures to inform and welcome new members.

ODF staff will maintain a written operational document capturing this information, to be updated regularly.

Succession of co-chairs will include conversations between outgoing and incoming co-chairs and ODF staff to support the success of incoming co-chairs.

IX. Review and updating of the AMPC charter

The AMPC will review this charter at least biennially ~~annually; prior to election of co chairs~~. The charter may be amended at any time by a vote of the AMPC per the substantial decisions element of this charter. Any such amendment must be consistent with statutes and rules and must be promptly reported to the Board. ~~do you want to keep a copy of the~~ latest version of this charter ~~will be available~~ on the AMPC website?!

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Commented [SJ*D19]: Yes.

Commented [WG20]: Most committees seem to post their charter.

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Signatures of voting members (representation):

Barnes, Seth (OFIC)

Bugni, David (OSWA)

Detwiler, Stacey (Wild Salmon Ctr.)

Firman, Julie (ODFW)

Gerlach, Wendy (COLT)

Kulla, Casey (Oregon Wild)

Robison, Jason (LCIS)

Seeds, Josh (ODEQ)

Sullivan-Astor, Amanda (AOL)

Tucker, William (AOC)

Signatures of non-voting members:

Coble, Adam (ODF)

Kratz, Kim (NOAA/NMFS)

Appendix

Functions of the AMPC per Section 36, Chapter 33, Oregon Laws 2022:

(7) *The committee shall:*

- (a) *Guide the adaptive management process.*
- (b) *Set the research agenda of the Independent Research and Science Team established in section 38 of this 2022 Act and recommend to the board the team's budget.*
- (c) *Assess the scientific findings in a report prepared by the team and prepare a report that identifies alternative actions, including no action, to address resource issues identified in the team's report.*
- (d) *Submit the committee's reports to the board.*
- (e) *Assist the board in the ongoing process of identifying and modifying resource objectives.*
- (f) *Review reports related to compliance monitoring and enforcement.*
- (g) *Submit recommendations to the board concerning rule adjustment, guidance, or training.*
- (h) *Strive for full consensus in committee decision-making.*

Membership of the AMPC per Section 36, Chapter 33, Oregon Laws 2022:

(3) *The board shall select a voting member from among two candidates recommended by each of the following 10 entities:*

- (a) *The Oregon Forest and Industries Council.*
- (b) *The Coalition of Oregon Land Trusts.*
- (c) *The Associated Oregon Loggers.*
- (d) *A conservation organization collectively selected by Beyond Toxics, Cascadia Wildlands, Klamath Siskiyou Wildlands Center, Oregon League of Conservation Voters, Oregon Stream Protection Coalition, Oregon Wild, Portland Audubon and Umpqua Watersheds, which were parties to the Private Forest Accord Report dated February 2, 2022, and published by the State Forestry Department on February 7, 2022.*
- (e) *The Oregon Small Woodlands Association.*
- (f) *The Commission on Indian Services.*
- (g) *A recreational or commercial angling organization collectively selected by Northwest Guides and Anglers Association, Pacific Coast Federation of Fishermen's Associations, Trout Unlimited and Wild Salmon Center, which were parties to the Private Forest Accord Report.*
- (h) *The Association of Oregon Counties.*
- (i) *The State Department of Fish and Wildlife.*
- (j) *The Department of Environmental Quality.*

(4) *If an entity described in subsection (3) of this section ceases to exist, the board shall determine a successor entity that represents the same interests.*

(5) *The board shall:*

- (a) *Select one representative of the State Forestry Department to serve as a nonvoting member.*
- (b) *Invite one representative of the National Marine Fisheries Service and one representative of the United States Fish and Wildlife Service to serve on the committee as nonvoting members.*

Member Terms per Section 36, Chapter 33, Oregon Laws 2022:

(6) The voting members and the nonvoting member described in subsection (5)(a) of this section shall serve for terms of four years and may serve an unlimited number of terms.

Requirements of the AMPC charter per OAR 629-603-0300:

(2) The AMPC shall develop its operating procedures through a charter approved by the AMPC.

The charter shall include:

- (a) A values statement on the purpose of the AMPC, including the need for ongoing good relationships.*
- (b) Ground rules for AMPC member interactions.*
- (c) Determination of what constitutes a substantial decision per section 36(8), chapter 33, Oregon Laws 2022.*
- (d) Process for selecting chairperson(s). The chairperson shall have the usual duties and powers of a presiding officer.*
- (e) Roles, expectations, and representation on subcommittees.*
- (f) Regular deadlines including the deadline specified in OAR 629-603-0200(3)(c).*
- (g) Measures to maintain and improve the long-term effectiveness of AMPC, including:*
 - (A) Succession management procedures;*
 - (B) Onboarding of new AMPC members; and*
 - (C) Regular review and updating of the AMPC charter.*

References

Forest Practices Act (ORS 527) and associated rules (OAR Chapter 629).

Adaptive Management Program rules: OAR Chapter 629, Division 603.

The Private Forest Accord Report published by the State Forestry Department on February 7, 2022, and incorporated by reference in Section 2(1)(a), Chapter 33, Oregon Laws 2022.

Legislation that led to new rules (including the Adaptive Management Program) and the associated HCP: Senate Bill 1501 that later became Chapter 33, Oregon Laws 2022.